

**REGULAR MEETING
CITY COUNCIL
FEBRUARY 3, 2005**

ROLL CALL:

MR. WOJCIK, MR. JUDGE, MR. DUNNE, MR. KROGH, MR. MAHONEY, MRS. COLLIER, MS. MESSICK, MR. ARMET, MRS. MAHAR DERGURAHIAN

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

Local Law Intro #10 Date February 3, 2005
 Introduced by Council Member Collier
 At the request of Administration Seconded by

LOCAL LAW ENACTING HOOSICK STREET ZONING

§ 1. Hoosick Street Zoning is enacted to read as follows:

SEE PAGES "1" THROUGH "18"

Approved as to form, September 15, 2004

 Corporation Counsel

Local Law TABLED – (motion to table by Collier, 2nd by Armet) by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Ordinance No. 1 Date February 3, 2005
 Introduced by Council Member President DerGurahian
 At the request of Administration Seconded by Judge

ORDINANCE AMENDING THE 2005 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
 COMPTROLLER'S OFFICE BUDGET LINES

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A
 entitled:

2005 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, January 21, 2005

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 2-08-05 for Executive Action – Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 **Date** February 3, 2005
Introduced by Council Member Armet
At the request of Administration **Seconded by** Krogh

**ORDINANCE AMENDING THE FEDERAL ASSET FORFEITURE SPECIAL REVENUE
ACCOUNT TO RECOGNIZE ADDITIONAL FEDERAL ASSET REVENUES AND
APPROPRIATE FUNDS**

The City of Troy, convened in city Council, ordains as follows:

Section 1. A special revenue account is hereby amended to receive additional revenues from the Federal Asset Forfeiture Account, and appropriate funds within as provided in Schedule “A” entitled:

“Federal Forfeiture Funds”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, January 21, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 – Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 Date February 3, 2005
 Introduced by Council Member Collier
 At the request of Administration Seconded by Messick

**ORDINANCE DETERMINING THAT THE RECONSTRUCTION OF CERTAIN
 SIDEWALKS CONSTITUTES A LOCAL IMPROVEMENT
 PURSUANT TO 9.05 OF THE CITY CHARTER**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Pursuant to Section 9.05 of the City Charter, the reconstruction of the sidewalks described in Schedule "A" entitled:

"City of Troy, New York
 Homeowner Sidewalk Improvement Program"

Which is attached hereto and made a part hereof, are hereby determined to be local improvements. The cost of such improvements shall be borne by the abutting property owner.

Section 2. Upon receipt of the final estimate for such local improvements, the City Assessor shall prepare and file an assessment roll pursuant to the provisions of Section 9.10 of the City Charter for confirmation by the City Council.

Section 3. Assessments for such local improvements shall be payable in ten (10) equal annual installments, but may be paid in full at any time by the property owners. Installments shall carry interest at the rate of six percent (6%) per year. An additional 1.5% per month penalty shall also accrue against any late payments.

Section 4. This ordinance shall take effect immediately.

Approved as to form, January 27, 2005

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 Date February 3, 2005
 Introduced by Council Member Collier
 At the request of Administration Seconded by Judge

**ORDINANCE AMENDING THE 2005 GENERAL FUND
 PLANNING DEPARTMENT BUDGET
 TO ACCEPT FUNDS FROM NEW YORK STATE
 ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

The City Council, of the City of Troy, convened and hereby ordains as follows:

Section 1. The 2005 General Fund Planning department Budget is hereby amended as set forth in "Schedule A" entitled:

"New York State Energy Research and Development Intern"

Which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, January 27, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 – Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date February 3, 2005
 Motion to TABLE by Council Member Collier
 At the request of Administration Seconded by Dunne

**ORDINANCE AMENDING THE 1997, 1999, 2000, 2001, 2002, 2003, and 2004 COMMUNITY
 DEVELOPMENT BLOCK GRANT (CDBG) BUDGETS TO TRANSFER THE RESIDUAL
 BALANCES TO THE CDBG 2040-2941 VACANT BUILDING/SECURE ACCOUNT TO
 SUPPORT THE CITY'S VACANT BUILDING/SECURE/STABILIZATION PROJECTS**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Community Development Block Grant Budget is herein amended as set forth in Schedule A:

“CDBG/VACANT BUILDING-SECURE TRANSFER”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, January 24, 2005

David Mitchell, Corporation Counsel

Ordinance TABLED for Public Comment Period by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Ordinance No. 6 **Date** February 3, 2005
Motion to TABLE by Council Member Collier
At the request of Administration **Seconded by** Krogh

**ORDINANCE AMENDING THE 1993, 1994, 1995, 1998, 1999, and 2001 EMERGENCY
SHELTER GRANT (ESG) BUDGETS TO TRANSFER THE RESIDUAL BALANCES TO THE
ESG 1997-4111 ESG CITY ADMINISTRATION ACCOUNT TO SUPPORT THE CITY’S
ADMINISTRATION COSTS
RELATIVE TO ESG PROJECTS**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Emergency Shelter Grant Budgets is herein amended as set forth in Schedule A:

“ESG TRANSFER”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, January 24, 2005

David Mitchell, Corporation Counsel

Ordinance TABLED for Public Comment Period by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution No. 1 **Date** February 3, 2005
Introduced by Council Member President DerGurahian
At the request of Administration **Seconded by** Messick

RESOLUTION AUTHORIZING THE CORPORATION COUNSEL TO RETAIN SPECIAL COUNSEL, AT NO COST TO THE CITY, TO BRING AN ARTICLE 15 PROCEEDING TO CLEAR TITLE TO 282 LIBERTY STREET, TROY, NEW YORK SO THAT
LARRY KAGAN CAN CONSUMATE THE PURCHASE FROM THE CITY OF TROY

WHEREAS, Morton D. Shulman, Esq. is an attorney duly admitted to practice law in the State of New York and represents Larry Kagan, who was the successful bidder on 282 Liberty Street and 176 Third Street, at the In-Rem Real property sale in 2003, and

WHEREAS, in March Of 2004, the City brought an Article 15 proceeding to clear title on another piece of property purchased by Kagan, 176 Third Street, but did not include the property at 282 Liberty Street, and

WHEREAS, Attorney Shulman has indicated that there appears to be a cloud on the title to 282 Liberty Street and he would like to bring an Article 15 proceeding, similar to the one brought in March of 2004, to clear the title to 282 Liberty Street, and

WHEREAS, in the judgment of the Corporation Counsel, the cost of brining such action should be incurred by Larry Kagan and not the City of Troy, and

WHEREAS, the Attorney for Larry Kagan, Morton Shulman, Esq., has represented that he would bring such action at no cost to the City of Troy and that his authority in this action would be limited and monitored by David Mitchell, Corporation Counsel.

NOW THEREFORE, BE IT RESOLVED, that the City Council shall and hereby does authorize David B. Mitchell, Corporation Counsel to retain Morton D. Shulman, Esq. to bring the Article 15 proceeding to clear the title at 282 Liberty Street at no cost to the City of Troy.

Approved as to form, January 21, 2004

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2-10-05

SUPPORT DOCUMENTATION

Resolution No. 2 **Date** February 3, 2005
Introduced by Council Member President DerGurahian
At the request of Administration **Seconded by** Armet

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY TO
EXECUTE THE STATE COOPERATIVE AGREEMENT FOR A WATERWAY
ACCESS PROJECT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE
AND THE UNITED STATES OF AMERICA, CALLED
THE HUDSON RIVER ESTUARY INTERPRETIVE SIGNAGE PROJECT

WHEREAS, the City of Troy herein called the "Municipality," has hereby determined that a certain work, as described in the State Cooperative Agreement, herein called the "Project," is desirable, in the public interest, and is required in order to achieve a level of availability and use of the State's waters commensurate with the value thereof; and

WHEREAS, the Municipality deems it to be in the public interest and benefit to enter into a Cooperative Agreement therewith;

NOW THEREFORE, BE IT RESLOVED that the City Council does hereby authorize the Mayor to enter into New York State Department of Environmental Conservation Cooperative Agreement CA00124 for the Troy Riverfront Park for the installation of interpretive signs about the Hudson River estuary.

Approved as to form, January 27, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date February 3, 2005
Introduced by Council Member President DerGurahian
At the request of Administration Seconded by Judge

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY
TO EXECUTE ALL CONTRACTS, DOCUMENTS AND OTHER INSTRUMENTS
IN FURTHERANCE OF IMPLEMENTING THE CDBG, ESG AND
HOME PROGRAMS FOR 2004-2005

WHEREAS, the City of Troy desires to continue, promote and maintain the CDBG, ESG and HOME programs,

THEREFORE, BE IT RESOLVED, the City Council authorizes the Mayor of the City of Troy, on behalf of the City, to execute all contracts, documents and other instruments in furtherance of implementing all projects associated with and described in such applications and to use said funds pursuant to such applications and federal guidelines as they pertain to the "Community Development Block Grant" (CDBG); the "Emergency Shelter Grant" (ESG) and the "HOME" (Home Investments Partnerships Program) Program.

Approved as to form, January 24, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 **Date** February 3, 2005
Introduced by Council Member President DerGurahian
At the request of Administration **Seconded by** Armet

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF UNDERSTANDING WITH RENSSELAER COUNTY ACKNOWLEDGING A PAST INDEBTEDNESS AND ENTER INTO A RE-PAYMENT AGREEMENT

WHEREAS, pursuant to the sales tax agreement entered into by and between the City of Troy and Rensselaer County on March 3, 2000, attached hereto and made a part hereof, the City of Troy has a continued indebtedness to Rensselaer County in the amount of one-hundred sixty-five thousand dollars and 00/100 (\$165,000.00), as defined in paragraph #5 of that agreement, and

WHEREAS, pursuant to the attached agreement, that amount is due and payable on March 15, 2005, and

WHEREAS, Mayor Tutunjian has negotiated a re-payment plan with Rensselaer County that would allow the City of Troy to repay the amount due over a ten (10) year period, with no interest, in an amount of \$16,500.00 per year for ten consecutive years, with no pre-payment penalty.

NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to execute a letter of understanding with Rensselaer County acknowledging a past indebtedness and enter into an agreement to repay that indebtedness under substantially the terms defined herein.

Approved as to form, February 2, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 5 **Date** February 3, 2005
Introduced by Council Member Entire City Council
At the request of Administration **Seconded by** Entire City Council

RESOLUTION CEREMONIALLY RENAMING EIGHTH STREET
 BETWEEN FEDERAL AND FERRY AS:
 “GARNET DOUGLASS BALTIMORE STREET”

WHEREAS, the City Council of the City of Troy, in concert with the Mount Ida Preservation Association, in recognition of Black History Month, would like to honor and celebrate the contributions of Garnet Douglass Baltimore, the first African-American to earn a bachelor’s degree (civil engineering) from Rensselaer Polytechnic Institute (Class of 1881). Most notable among his many local civic and professional contributions and accomplishments, is his design of Prospect Park, the crown jewel of Troy’s Municipal Park System, and

WHEREAS, the City Council would like to ceremonially rename a portion of Eighth Street between Federal and Ferry Streets after Garnet Douglass Baltimore, as it has been determined this would be a fitting tribute since it comprises the area where Mr. Baltimore once resided, is the western edge of the RPI campus, and ends at the foot of the Park of his design and creation.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby ceremonially renames the portion of Eighth Street between Federal and Ferry Streets “Garnet Douglass Baltimore Street.”

Approved as to form, February 2, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 6 **Date** February 3, 2005
Introduced by Council Member President DerGurahian **and Judge** _____
At the request of Administration **Seconded by** Armet

**RESOLUTION APPOINTING MEMBERS TO
THE WORLD WAR II MEMORIAL COMMITTEE**

WHEREAS, the City Council, at the December 2004 Council meeting, in recognition of those who, during World War II, sacrificed in the name of Liberty, Freedom and the American People, established a Committee to Design, Fund and Locate a World War II Memorial in the City of Troy, and

WHEREAS, the City Council now desires to appoint several members to that committee, as follows:

Co-Chair -	Charles Carletta
Co-Chair -	Edward Patrick
	Daniel Crawley
	Arthur Judge
	William A. Dunne
	Rollin "Butch" Greene
	Martin G. Mahar
	James Ray
	Robert Reiter
	Roy Wright

NOW, THEREFORE, BE IT RESOLVED, the above Citizens of the United States, Rensselaer County and the City of Troy are hereby appointed to the World War II Memorial Committee.

Approved as to form, February 2, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 7 **Date** February 3, 2005
Introduced by Council Member President DerGurahian
At the request of Administration **Seconded by** Judge
Amended by Dunne

RESOLUTION APPOINTING COMMISSIONERS OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two-year term commencing February 6, 2005 through February 5, 2007:

Catherine Conroy
 550 - 8th Ave
 Troy, NY 12182

Joseph Manupella
 549 - 5th Ave
 Troy, NY 12182

Approved as to form, February 2, 2005

 David B. Mitchell
 Corporation Counsel

Amended Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 8 **Date** February 3, 2005
Introduced by Council Member Collier
At the request of Administration **Seconded by** Messick

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY TO EXECUTE THE STATE ENVIRONMENTAL QUALITY REVIEW FULL ENVIRONMENTAL ASSESSMENT FORM

 WHEREAS, the City of Troy is currently in the process of rezoning the Hoosick Street
 Corridor, and

WHEREAS, under New York State law, the City is required to complete and submit a State Environmental Quality Review Full Environmental Assessment form as attached hereto and made a part hereof, and

WHEREAS, the City must execute the attached form and submit same to the New York State Department of Environmental Conservation, Division of Environmental Permits, and allow for a 10-day "period for public comment."

NOW THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Mayor to execute the State Environmental Quality Review Full Environmental Assessment form and file same.

Approved as to form, February 3, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 9 **Date** February 3, 2005
Introduced by Council Member President DerGurahian
At the request of Administration **Seconded by** Judge

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY
 TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT
 WITH SHAWN HUGHES TO LEASE A CITY-OWNED RESTAURANT
 AT THE FREAR PARK GOLF COURSE**

WHEREAS, on Monday, January 24th, 2005, the City of Troy received proposals in response to a request for a proposal (RFP) for the above-referenced concessions at Frear Park, and

WHEREAS, a total of eight (8) prospective vendors submitted proposals for consideration. The recommended proposal award is given to Shawn Hughes, 27 North Lansing Road,

Schenectady, New York 12304 based on the proposal submitted by him, attached hereto and made a part hereof, and

WHEREAS, the City Council, after reviewing the submitted proposal, agrees with the recommendation and has decided to allow the Mayor to proceed in contract negotiations and execution thereof.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Mayor of the City of Troy to enter into lease negotiations and execute same with Shawn Hughes for the lease of the Frear Park Golf Course Restaurant.

Approved as to form, February 3, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 2-08-05 - Approved, returned 2/10/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Meeting adjourned 9:25pm.